



PATENT  
Attorney Docket No. DIVER1490-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ronald V. Swanson, et al. Art Unit: 1631  
Application No.: 09/408,020  
Filed: September 29, 1999  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM SYMBIOSUM

Commissioner for Patents  
Washington, D.C. 20231

COPY OF PAPERS  
ORIGINALLY FILED

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

1. Request to Correct Inventorship in a Pending Application Under 37 C.F.R. §1.48(a) (2 pages);
2. Statement of Assignee Agreeing to Change of Inventorship (2 pages);
3. Statement From Added Inventor Christian M. Preston (2 pages);
4. Statement From Added Inventor Edward DeLong (2 pages);
5. Declaration for Patent Application (7 pages);
6. Check in the amount of \$130.00 as petition fee; and

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on November 2, 2001, in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*  
Karen LePari

In re Application of:  
Swanson, et al.  
Application No.: 09/408,020  
Filed: September 29, 1999  
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Attorney Docket No.: DIVER1490-1

7. Recordation and Assignment documents filed separately; and
8. Return Receipt Postcard.

A check in the amount of \$130.00 is enclosed in connection with the filing of this paper. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this Transmittal is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189  
**USPTO Customer Number 28213**



UNITED STATES PATENT AND TRADEMARK OFFICE



PATENT DOCKETING

APR 01 2002

GRAYCARY/T.ELLIS

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/034,623	12/21/2001	1631	0.00		6	4	4

CONFIRMATION NO. 9858

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

FILING RECEIPT



\*OC000000007714666\*

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Date Mailed: 03/26/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

#### Applicant(s)

Ronald Swanson, Del Mar, CA;  
Robert A. Feldman, Santa Cruz, CA;  
Christa Schleper, Darmstadt, GERMANY;  
Edward F. DeLong, Monterey, CA;  
Christina M. Preston, Pacific Grove, CA;

*Christa Schleper,  
Darmstadt, Germany*

#### Assignment For Published Patent Application

Diversa Corporation, San Diego, CA;

#### Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/408,020 09/29/1999  
WHICH CLAIMS BENEFIT OF 60/102,294 09/29/1998

#### Foreign Applications

If Required, Foreign Filing License Granted 03/25/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Nucleic acids and proteins from cenarchaeum symbiosum

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



PATENT  
ATTORNEY DOCKET NO. DIVER1490-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swanson, et al. Art Unit: 1631  
Serial No.: 09/408,020 Examiner: M. Moran  
Filed: September 29, 1999  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM  
SYMBIOSUM

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Commissioner of Patents  
Washington, D.C. 20231

**REQUEST TO CORRECT INVENTORSHIP IN A PENDING APPLICATION**  
**UNDER 37 C.F.R. §1.48(a)**

Sir:

The undersigned attorney of record requests to change the inventorship in the above-identified application to add Edward F. DeLong and Christina M. Preston as co-inventors. These co-inventors were inadvertently omitted from the original filing of the application.

As the attorney of record for the above-identified application, I acknowledge that Edward F. DeLong and Christina M. Preston contributed to the invention of the present application.

Accompanying this request are statements by Edward F. DeLong and Christina M. Preston stating that the error in inventorship occurred without deceptive intention on his or her part. Additionally, this request is accompanied by a declaration signed by all actual inventors, a

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on November 2, 2001, in an envelope addressed to  
Commissioner for Patents, Washington, D.C. 20231

*Karen LePart*  
Karen LePart

Applicants: Swanson, et al.  
Appl. No.: 09/408,020  
Filed: September 29, 1999  
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Attorney Docket No. DIVER1490-1

copy of an assignment signed by all actual inventors and the written consent to change of inventorship by assignee Diversa Corporation.

In view of the above statements and the attachments, it is respectfully requested that the present application be amended, so that Ronald V. Swanson, Robert A. Feldman, Christa Schleper, Edward F. DeLong and Christina M. Preston are properly set forth as the co-inventors of the present application.

A check is enclosed in the amount of \$130.00, in accordance with 37 C.F.R. §1.17(i). If any additional fee is deemed necessary, the Commissioner is authorized to charge (or apply any credits to) Deposit Account No.: 50-1355. The Examiner is invited to contact Applicant's undersigned representative if there are any questions related to this matter.

Respectfully submitted,

  
Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213



PATENT  
ATTORNEY DOCKET NO. DIVER1490-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Swanson, et al. Art Unit: 1631  
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Washington, D.C. 20231

**STATEMENT OF ASSIGNEE AGREEING TO CHANGE OF INVENTORSHIP**

Sir:

The assignee, DIVERSA CORPORATION, a corporation of Delaware, having a place of business at 4955 Directors Place, San Diego, CA 92121, U.S.A., hereby consents under 37 C.F.R. 1.48(a) to the addition of inventors Edward F. DeLong and Christina M. Preston to the application for patent currently pending before the United States Patent and Trademark Office, Serial No. 09/408,020. After the addition of these inventors, the inventorship of U.S. Application Serial No. 09/408,020 will be: Ronald V. Swanson, Robert A. Feldman, Christa Schleper, Edward F. DeLong and Christina M. Preston.

DIVERSA CORPORATION, certifies that it is an assignee of the application identified above by virtue of an assignment from the original named inventors thereof. The assignment is submitted herewith. The newly added inventors have also assigned their interests to DIVERSA CORPORATION, and this assignment is also submitted herewith.

The undersigned has reviewed all the documents in the chain of title of the above-identified patent and, to the best of undersigned's knowledge and belief, title is in the named assignee.

Applicants: Swanson, et al.  
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The undersigned declares and states that she is an officer of assignee and is empowered to sign this document on behalf of the assignee, that all statements made herein of her own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.

Date: Sept. 27, 2001



Carolyn Erickson  
Vice President, Intellectual Property  
DIVERSA CORPORATION



PATENT  
ATTORNEY DOCKET NO. DIVER1490-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swanson, et al. Art Unit: 1631  
Serial No.: 09/408,020 Examiner: M. Moran  
Filed: September 29, 1999  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM  
SYMBIOSUM

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ORIGINALLY FILED

Commissioner of Patents  
Washington, D.C. 20231

**STATEMENT FROM ADDED INVENTOR CHRISTINA M. PRESTON THAT  
INVENTORSHIP ERROR OCCURRED WITHOUT DECEPTIVE INTENT**

Sir:

I, the undersigned declare as follows:

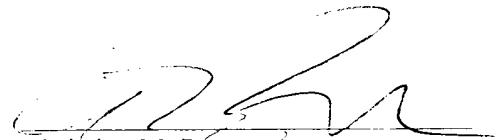
1. The inventorship error of failing to include Christina M. Preston as an inventor of the patent occurred without any deceptive intent on my part;
2. I have no objection to the addition of my name as an inventor of U.S. Patent Application Serial No. 09/408,020.
3. I further declare that all statements made herein of our knowledge are true and that all statements herein on our information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

Applicants: Swanson, et al.  
Appl. No.: 09/408,020  
Filed: September 29, 1999  
Page 2

PATENT  
Attorney Docket No. DIVER1490-1

the United States Code and that such willful false statements may jeopardize the validity of  
this patent.

Dated: 10/1/99

  
Christina M. Preston



PATENT  
ATTORNEY DOCKET NO. DIVER1490-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swanson, et al. Art Unit: 1631  
Serial No.: 09/408,020 Examiner: M. Moran  
Filed: September 29, 1999  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHIAEUM  
SYMBIOSUM

Commissioner of Patents  
Washington, D.C. 20231

COPY OF PAPERS  
ORIGINALLY FILED

**STATEMENT FROM ADDED INVENTOR EDWARD F. DeLONG THAT  
INVENTORSHIP ERROR OCCURRED WITHOUT DECEPTIVE INTENT**

Sir:

I, the undersigned declare as follows:

1. The inventorship error of failing to include Edward DeLong as an inventor of the patent occurred without any deceptive intent on my part;

2. I have no objection to the addition of my name as an inventor of U.S. Patent Application Serial No. 09/408,020.

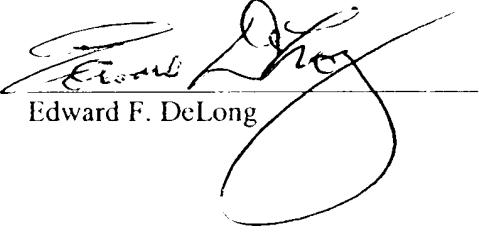
3. I further declare that all statements made herein of our knowledge are true and that all statements herein on our information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

Applicants: Swanson, et al.  
Appl. No.: 09/408,020  
Filed: September 29, 1999  
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PATENT  
Attorney Docket No. DIVER1490-1

the United States Code and that such willful false statements may jeopardize the validity of  
this patent.

Dated: 9/30/01

  
Edward F. DeLong



PATENT  
Attorney Docket No.: DIVER1490-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ronald Swanson et al  
Application No.: 10/034,623  
Filed: December 21, 2001  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM  
SYMBIOSUM

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR CORRECTION OF FILING RECEIPT**

COPY OF PAPERS  
ORIGINALLY FILED

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please add to the **APPLICANT(S)** section, third inventor, as follows:

**CHRISTA SCHLEPER, Darmstadt, GERMANY;**

Applicants accordingly request the correction be made of record and a corrected filing receipt be issued.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on May 24, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

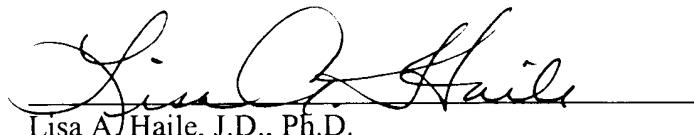
*Karen LePari*  
Karen LePari

In re Application of:  
Swanson et al.  
Application No.: 10/034,623  
Filed: December 21, 2001  
Page 2

PATENT  
Atty Docket No.: DIVER1490-4

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

  
Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
**USPTO Customer Number 28213**



PATENT ATTORNEY DOCKET NO.: DIVER1490-1

The Patent and Trademark Office date stamp sets forth the receipt date of:

**Applicant or Patentee:** Ronald V. Swanson, et al.

**Filing Date:** September 29, 1999

**Serial No.:** 09/408,020

**Title:** NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM SYMBIOSUM



Transmittal Sheet (2 pages, in dup.)

Statement of Assignee Agreeing to Change of Inventorship (2 pages)

Statement From Added Inventor Christian M. Preston (2 pages)

Statement From Added Inventor Edward DeLong (2 pages)

Declaration for Patent Application (7 pages)

Copy of Recordation and Assignment documents filed separately (9 pages)

Check in the amount of \$130.00 as petition fee

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Atty/Sec Initials: LAH/kdl

Client / Matter No.: 104703-159213

Date Mailed: 11/02/01

Date Due: N/A